



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that **"Ordinance No. 28727"**, the original copy of which is attached hereto, was passed for publication of title on the **16th day of March, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **30th day of March, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **30th day of April, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **5th day of April, 2010**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28727

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING
CERTAIN REAL PROPERTY SITUATED AT THE NORTHWEST
AND SOUTHWEST CORNERS OF COLEMAN AVENUE AND
NEWHALL DRIVE, TO A(PD) PLANNED DEVELOPMENT
ZONING DISTRICT**

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report entitled, "Airport West Stadium and Great Oaks Place Project" (the "EIR") prepared in conformance with the California Environmental Quality Act of 1970, together with related state and local guidelines, all as amended ("CEQA"); and

WHEREAS, the EIR was certified by the Planning Commission on February 10, 2010, which certification action of the Commission was not challenged or appealed to the City Council pursuant to the provisions of Title 21 of the San José Municipal Code; and

WHEREAS, the Planning Commission has, on February 10, 2010, adopted its Resolution No. 10-002; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning action from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José, acting as lead agency under the provisions of CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to A(PD) Planned Development Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 10-002 prior to acting upon or approving such project; and

WHEREAS, concurrent with any approval action of the proposed rezoning, this Council intends to adopt a resolution under the provisions of CEQA setting forth certain findings as described in Sections 15091 and 15093 of the state Guidelines for implementation of CEQA in connection with the proposed rezoning.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
SAN JOSE:**

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development.

The base district zoning of the subject property shall be A-Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Airport West Master Plan Stadium Project," **last revised February 10, 2010.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC09-004 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate

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operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 16th day of March, 2010 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

ATTEST: 

LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL A:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF "ADJUSTED PARCEL A" DESCRIBED IN THE LOT LINE ADJUSTMENT PERMIT FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY SANTA CLARA ON JUNE 22, 1999 UNDER RECORDER'S SERIES NO. 14867793, OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF COLEMAN AVENUE WITH THE NORTHWESTERLY LINE OF "PARCEL B" DESCRIBED IN THE NOTICE OF LOT LINE ADJUSTMENT FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA ON JULY 30, 1999 UNDER RECORDER'S SERIES NO. 14920701, OFFICIAL RECORDS, THENCE ALONG THE NORTHEASTERLY LINE OF SAID "PARCEL B" AND "ADJUSTED PARCEL A" ALSO BEING THE SOUTHWESTERLY LINE OF COLEMAN AVENUE SOUTH 57° 34' 50" EAST, 996.50 FEET TO THE TRUE POINT OF BEGINNING, THENCE SOUTH 32° 25' 10" WEST, 1083.08 FEET TO THE SOUTHWESTERLY LINE OF SAID "ADJUSTED PARCEL A"; THENCE ALONG THE SOUTHWESTERLY LINE OF "ADJUSTED PARCEL A" SOUTH 57° 34' 50" EAST, 1002.79 FEET TO THE SOUTHERLY CORNER OF "ADJUSTED PARCEL A"; THENCE ALONG THE SOUTHEASTERLY LINE OF "ADJUSTED PARCEL A", NORTH 32° 25' 10" EAST, 1083.08 FEET TO THE EASTERLY CORNER OF "ADJUSTED PARCEL A" AND THE SOUTHWESTERLY LINE OF COLEMAN AVENUE; THENCE ALONG SAID SOUTHWESTERLY LINE OF COLEMAN AVENUE NORTH 57° 34' 50" WEST, 1002.79 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL B:

ALL THAT CERTAIN REAL PROPERTY SITUATE PARTIALLY IN THE CITY OF SAN JOSE AND PARTIALLY IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT LAND DESIGNATED AND DELINEATED AS "PARCEL B" IN THE NOTICE OF LOT LINE ADJUSTMENT FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA ON JULY 30, 1999, UNDER RECORDER'S SERIES NO. 14920701, OFFICIAL RECORDS AND A PORTION OF "ADJUSTED PARCEL A" DESCRIBED IN THE LOT LINE ADJUSTMENT PERMIT FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA ON JUNE 22, 1999, UNDER RECORDER'S SERIES NO. 14867793, OFFICIAL RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF COLEMAN AVENUE WITH THE NORTHWESTERLY LINE OF SAID "PARCEL B", THENCE ALONG THE NORTHEASTERLY LINE OF SAID "PARCEL B" AND "ADJUSTED PARCEL A" ALSO BEING THE SOUTHWESTERLY LINE OF COLEMAN AVENUE SOUTH 57° 34' 50" EAST, 996.50 FEET; THENCE SOUTH 32° 25' 10" WEST, 1083.08 FEET TO THE SOUTHWESTERLY LINE OF SAID "ADJUSTED PARCEL A"; THENCE ALONG THE SOUTHWESTERLY LINE OF "ADJUSTED PARCEL A" AND "PARCEL B" NORTH 57° 34' 50" WEST, 1038.06 FEET TO THE MOST WESTERLY CORNER OF SAID "PARCEL B" THENCE

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ALONG THE NORTHWESTERLY LINE OF "PARCEL B" THE FOLLOWING SIX(6) COURSES AND DISTANCES.

1. NORTH 32° 25' 09" EAST 250.12 FEET;
2. NORTH 57° 34' 51" WEST, 105.40 FEET;
3. NORTH 08° 45' 53" EAST, 270.00 FEET;
4. NORTH 82° 20' 17" EAST, 219.28 FEET;
5. SOUTH 57° 34' 51" EAST, 87.51 FEET;
6. NORTH 32° 25' 09" EAST, 444.46 FEET TO THE POINT OF BEGINNING.

PARCEL C:

BEING "ADJUSTED" PARCEL B" DESCRIBED IN THAT LOT LINE ADJUSTMENT PERMIT FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY SANTA CLARA ON JUNE 22, 1999 UNDER RECORDER'S SERIES NO. 14867793, SANTA CLARA COUNTY OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHWESTERLY LINE OF NEWHALL STREET AT THE EASTERNMOST CORNER OF THAT CERTAIN 7.528 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FOOD MACHINERY CORPORATION, A CORPORATION, TO SOUTHERN PACIFIC RAILROAD COMPANY, A CORPORATION, DATED JANUARY 23, 1947, RECORDED FEBRUARY 25, 1947 IN BOOK 1433 OFFICIAL RECORDS, PAGE 231 SANTA CLARA COUNTY RECORDS; THENCE NORTH 57° 34' 50" WEST ALONG THE NORTHEASTERLY LINE OF SAID 7.528 ACRE TRACT 841.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 32° 25' 10" EAST 35.14 FEET;
THENCE NORTH 57° 34' 50" WEST 39.00 FEET;
THENCE NORTH 32° 25' 10" EAST 1047.94 FEET TO THE SOUTHWESTERLY LINE OF COLEMAN AVENUE (100.00 FEET IN WIDTH);
THENCE NORTH 57° 34' 50" WEST 933.02 FEET ALONG SAID SOUTHWESTERLY LINE;
THENCE SOUTH 32° 25' 10" WEST 1083.08 FEET TO SAID NORTHEASTERLY LINE OF SAID 7.528 ACRE TRACT; THENCE SOUTH 57 DEG 34' 50" EAST ALONG SAID NORTHEASTERLY LINE 972.02 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL D:

NON-EXCLUSIVE TEMPORARY UTILITY EASEMENT AS GRANTED IN THAT CERTAIN TEMPORARY UTILITY EASEMENT RECORDED JUNE 25, 1999 AS INSTRUMENT NO. 14871904, OFFICIAL RECORDS.

PARCEL E:

NON-EXCLUSIVE EASEMENT FOR ELECTRICAL UTILITY SERVICE AS GRANTED IN THAT CERTAIN EASEMENT AGREEMENT RECORDED DECEMBER 21, 1999 AS INSTRUMENT NO. 15098683, OFFICIAL RECORDS.

PARCEL F:

NON-EXCLUSIVE EASEMENT FOR ELECTRICAL UTILITY SERVICE AS GRANTED IN THAT CERTAIN EASEMENT AGREEMENT RECORDED DECEMBER 21, 1999 AS INSTRUMENT NO. 15098684, OFFICIAL RECORDS.

PARCEL G:

PARCELS 1 AND 2, AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 24, 2008 IN BOOK 829 OF MAPS AT PAGES 50 AND 51.

EXCEPTING THEREFROM THAT PORTION OF THE LAND GRANTED TO THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY IN THAT CERTAIN CORRECTED GRANT DEED RECORDED DECEMBER 18, 2008 AS INSTRUMENT NO. 20072371 OF OFFICIAL RECORDS.

APN: 230-46-055 (Affects: Parcel C), 230-46-060 (Affects: Portion of Parcel B), 230-46-062 (Affects: Parcel A), 230-46-063 (Affects: Remainder Portion of Parcel B) and 230-46-068 (Affects: Parcel G)